

Art Unit: 1644

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/23/11 has been entered.

2. Claims 146, 148-150, 159-160 and 162 are pending and allowed.

### **EXAMINER'S AMENDMENT**

3. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

4. Authorization for this Examiner's Amendment was given in a telephone interview with Todd Armstrong on 05/31/11.

#### In the Claims:

5. Claim 161 has been canceled.

6. In claim 146, the phrase --, wherein said cell can differentiate into two or more different cell types -- has been added, following the phrase "lacks expression of Cd45 (CD45(-))".

### **REASONS FOR ALLOWANCE**

7. The following is an Examiner's Statement of Reasons for Allowance:

The previous rejection of record, mailed on 12/14/10 is hereby withdrawn in view of:

(i) The Examiner's Amendment set forth supra;

(ii) Applicant's amendment filed 05/23/11

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(iii) Declaration filed under 37 CFR1.132 by Dr. Faustman. Said declaration stated that the cells taught in the prior art references are structurally and functionally distinct from Hox 11+ CD45- cells recited in the amended claim 146. Dr. Faustman further stated that at the time the invention was made one skill in the art would not recognize that Hox 11+ CD45- cells were present in the spleen or could be mobilized from the spleen.

The prior art does not teach or suggest an isolated mammalian Hox 11+ CD45- cell as recited in the amended claims 146, 148-150, 159-160 and 162

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michail Belyavskiy whose telephone number is 571/ 272-0840. The examiner can normally be reached Monday through Friday from 9:00 AM to 5:30 PM. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on 571/ 272-0735 .

The fax number for the organization where this application or proceeding is assigned is 571-273-8300

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/Michail A Belyavskiy/  
Primary Examiner, Art Unit 1644